

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5419 of 1982

AND

SPECIAL CIVIL APPLICATION No 5421 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

In Special Civil Application No.5419 of 1982.

KANUBHAI BHARATKUMAR &CO.

Versus

STATE OF GUJARAT

In Special Civil Application No.5421 of 1982.

JAI SOMNATH BRICKS MFG. CO. & Anr

Versus

STATE OF GUJARAT & ANR.

Appearance: In Both the Sp. Civil Applications.

MR DUSHYANT A DAVE for Petitioners

MR N.N. PANDYA for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/07/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties.

2. In both these Special Civil Applications, the petitioners have challenged the notification of the respondent dated 26th March, 1979, Annexure`C' under which the provisions of the Gujarat Minor Mineral Rules, 1976 have been amended. This notification has been held to be valid by the Apex Court, which position is accepted by the learned counsel for the petitioners. The learned counsel for the petitioners has stated that the decision upholding the aforesaid notification by the Apex Court is reported in A.I.R., 1986, S.C. Page 1323, and he very fairly conceded that in view of the decision of the Supreme Court, nothing survives in this Special Civil Applications. Both these matters are covered by the decision of the Supreme Court, and a reference to which is made above. The interim relief has been granted on certain conditions and the petitioners will now abide by the undertaking given by them. The respondent shall work out the amount to be paid by the petitioners. After receiving intimation from them, the petitioners shall make the payment thereof as they have undertaken before this Court. Rule is discharged.
